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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/719,203   | 11/21/2003  | David Monroe Bell    | GCSD-1461 (51330)   | 1976             |
| 27975  | 7590        | 05/04/2006           | EXAMINER            |                  |
| ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST P.A.<br>1401 CITRUS CENTER 255 SOUTH ORANGE AVENUE<br>P.O. BOX 3791<br>ORLANDO, FL 32802-3791 |             |                      | NGUYEN, CUONG H     |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 3661                |                  |

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

BEFORE THE BOARD OF PATENT APPEALS AND  
INTERFERENCES

Application Number: 10/719,203  
Filing date: 11/21/2003  
Appellants: Bell et al.

MAILED

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GROUP 3600

Allen, Dyer, Doppelt, Milbrath & Gilchrist, P.A.  
For Appellants

EXAMINER'S ANSWER

This is in response to appellants' brief on appeal filed on  
05/01/2006.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

**(2) *Related Appeals and Interferences***

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

**(3) *Status of Claims***

The statement of the status of the claims contained in the brief is correct.

**(4) *Status of Amendments After Final***

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) *Summary of Invention***

The summary of invention contained in the brief is correct.

**(6) *Issues***

The appellant's statement of the issues in the brief is correct.

**(7) *Claims Appealed***

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) *Prior Art of Record***

|              |             |         |
|--------------|-------------|---------|
| 2001/0056326 | Kimura      | 12-2001 |
| 6473678      | Satoh et al | 10-2002 |

**(9) *Grounds of Rejection***

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura (2001/0056326).

As per claims 1, 11 and 19, Kimura discloses a vehicle for traveling along a road (abstract); a positioning system to generate position and time data (abstract); camera for mounting on a vehicle to obtain a series of images (abstract); and a data collection controller connected to the positioning system and the camera to associate images with corresponding position and time data (abstract). Kimura is using real time data at the time of determining the location of the vehicle. Kimura uses current position, which is the position and time data disclosed by the applicant. Kimura's CCD camera is similar to the CCD element in applicant's camera, and a lane marker detector. Thus, it would have been obvious to one skilled in the art to construct a formerly integral part structure in various elements involves only routine skill in the art. *Nrewin v. Erlichman*, 168 USPQ 177, 179. Note that the CCD elements and lane marker detector in applicant's invention provide the same output as applicant's line scan camera (paragraphs [0201]-[0205]). This output is then fed into the road determining section 93. in this section the line scan images are associated with the corresponding position and time from the GPS position detector.

As per claims 2, 12 and 21, Kimura discloses the use of a database to store image and position information (figure 2).

As per claims 3 and 13, Kimura discloses the use of a GPS receiver (paragraph 79).

As per claims 9, 10 and 20, Kimura discloses how to identify lane marker on the road (abstract).

As per claims 4 and 14, Kimura teaches a navigation system (abstract). Kimura does not teach the use of an inertial navigation system. However, it would have been obvious to one skill in the art to substitute the inertial navigation system (used to detect a position) for Kimura's navigation system, which is functional equivalent in order to have better accurate information based on applicant determining the vehicle's position. See *In re Brown*, 459 F. 2d 531, 535, 173 USPQ 685, 688 (CCPA 1972).

As per claims 5, 6, 15, 16, 22 and 23, Kimura discloses the use of a camera using unspecified lenses (abstract). Therefore, it would have been obvious to one skill in the art to substitute a lens for another lens that perform the same function and are functional equivalent in order to enhance the quality image. See *In re Brown*, 459 F. 2d 531, 535, 173 USPQ 685, 688 (CCPA 1972).

As per claims 7, 17 and 24, Kimura teaches the central processing unit to work with the images (figure 2). Kimura does not teach the frame grabber. However, the use of two or more controllers (including the frame grabber-being a controller) instead of one, where one controller would be enough to work with the images involves only routine skill in the art. *In re Nrewin v. Erlichman*, 168 USPQ 177, 179.

Claims 8, 18 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura (2001/0056326) in view of Satoh et al (6,473,678).

Kimura teaches lane marker detector and road determining section (figure 1). Kimura does not teach displaying the line images. However, Satoh teaches displaying line images of the lane marker in column 4, lines 3-11. Therefore, it would have been obvious to one skill in the art to combine the aforementioned inventions in order to facilitate steering of a vehicle by tracking a lane of a roadway and maintaining the vehicle at a target line using a steering bias.

**(10) Response to Argument**

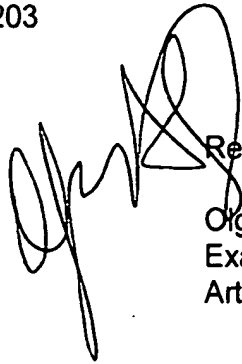
Appellant argues that Kimura's process to determine the road on which a vehicle is traveling just after passing the fork. However, the appellant's claims are silent regarding, if the vehicle is after or before the fork. Appellant argues that Kimura does not teach: "the association of line scan images with the corresponding position and time data." The examiner disagrees. Kimura teaches a condition of taking account of shorter traveling time (paragraph [0090]).

For the above reasons, it is believed that the rejections should be sustained.

Application/Control Number: 10/719,203

Art Unit: 2144

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Respectfully submitted,

Olga Hernandez  
Examiner  
Art Unit 2144

July 14, 2005

Conferees

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